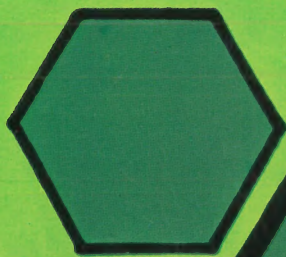


Basil Yousif

**Ba'th Ideology
and
Human Rights**



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The right to self-determination is the expression of peoples' response to imperialist challenge in all its forms. Therefore the introduction of this right as a basic principle in international relations is in harmony with the growth of the world liberation movement and the increase of newly independent states in the United Nations.

It is not intended in this study to review the development of the concept of this right prior to the signing of the UN Charter, as such a review belongs to the domain of public international law.

We shall confine our study to the development of this right as set forth in the UN Char-

ter and to its connection with human rights.

This right is established by two articles of the UN Charter: the second paragraph of Article One and Article Fifty-five.

The second paragraph of Article One in dealing with the purposes of the United Nations sets forth the following:

‘To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.’

And Article Fifty-five states the following:

‘With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;

- b. solutions of international economic, social, health and related problems; and international cultural and educational co-operation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.'

Whereas the provision of the right to self-determination in the UN Charter is considered a victory for peoples, the imperialist states, which were exercising a kind of trusteeship with regard to the Charter's interpretation, limited the interpretation of self-determination whenever specifically stated to being no more than a principle rather than a right, so that it could be divested of any obligatory character.

The imperialist states prevented the inclusion of the right to self-determination in Chapters 11, 12 and 13 of the Charter, which are concerned with Autonomy and Trusteeship, because that would have led to the liberation of territories committed to the trusteeship of those states.

Those states also declined to include the right to self-determination in the Declaration of Human Rights issued on December 12, 1948.

But the UN General Assembly issued on December 4, 1950 its Resolution No. 421 (5) in which it was stated that the peoples' right to self-determination is basic among human rights, and the Human Rights Commission was asked by the General Assembly to study the ways and means that would secure the right of peoples and nations to self-determination. (1)

The General Assembly confirmed its attitude when it issued its Resolution No. 545 (6) on February 5, 1952 which specified that a special article consecrating the peoples' right to self-determination be introduced in the agreements of human rights. (2)

On December 16, 1952, the General Assembly issued another Resolution, No. 637 (7), whereby it considered the right of peoples to self-determination a pre-condition for the exercise of all basic human rights. (3)

The UN took a historic step in this field by issuing the declaration widely known as the Declaration on the Granting of Independence to Colonial Countries and Peoples No. 1514 of December 14, 1960. (4)

This Declaration contains the following principles:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation.
2. All peoples have the right to self-determination; by virtue of this right they determine their political status and freely pursue their economic, social and cultural development.
3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.
5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.
6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.
7. All States shall observe faithfully and strictly the provisions of the Charter of the

United Nations, the Universal Declaration of Human Rights, and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

The UN did not confine itself to that resolution but followed it by setting up a committee to follow up the implementation of Resolution No. 1514, for which purpose it issued Resolution No. 1654 (16) on November 27, 1961 providing for the establishment of a Special Committee of 17 members with a view to ending colonization. This Committee was later expanded to 24 members under Resolution No. 1810 (17) taken on December 17, 1962 (50).

The Committee is still performing its tasks aiming at the elimination of imperialism in the world. Resolution No. 1514 is regarded until this moment to provide the general guidelines for the activities of the UN in connection with combating imperialism and liberating colonized nations.

Then the UN directed its attention to the

economic aspect of the right of peoples to self-determination and adopted for this purpose Resolution No. 1803 (17) on December 14, 1962 concerning permanent sovereignty over natural resources. (6)

When the General Assembly ratified on December 16, 1966 the two Covenants on civil and political human rights as well as economic, social and cultural human rights, Article One of each Covenant contained the following provision (7):

1. All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Afterwards, all resolutions regulating human rights, development or setting up the new international economic system came to assert the importance of the right of peoples to self-determination as an essential pre-requisite for development.

Article Three of the Declaration concerning Progress and Development in the Social Sphere No. 2542 (24) of December 11, 1969 provides that the following shall be regarded as the preconditions for progress and social development:

- a. National independence based on the right of nations to self-determination.
- b. The principle of non-interference in the internal affairs of nations.

- c. The respect of territorial sovereignty and integrity of nations.
- d. Permanent sovereignty of every nation over its natural resources.

The General Assembly Resolution No. 3201 (6 extraordinary) on May 1, 1974 concerning the declaration of establishing the new international economic system, contains a provision that right of peoples to self-determination shall be regarded as a basis for the new international economic system.

Paragraph 6 of Chapter One of the Convention on Economic Rights and Obligations of Peoples considers equality of nations and their right to self-determination among the principal foundations of international economic relations (Resolution No. 3281 (29), December 12, 1974).

UN resolutions have dealt with every question concerning decolonization in a way that reaffirms the importance of the right of peoples to self-determination, as, for example, in the questions of Palestine and South Africa.

The Arab Summit Conference held in Baghdad in November, 1978 reaffirmed that the right of the Palestinian people to self-determination shall be the basis for resolving the Palestine question.

Furthermore, the resolutions of the Conference of Non-Aligned Nations have contained important provisions as to the relations between the right of peoples to self-determination and human rights. We refer in particular to Paragraph 244 of the Resolution of the Non-Aligned Nations Conference held in Havana in September, 1979 which provides that the question of individual human rights cannot be separated from that of the rights of peoples.

The UN Committees concerned with the studies of human rights took a special interest in commissioning certain rapporteurs to prepare studies on the right of peoples to self-determination.

The last two studies issued by the Sub-Committee for the Prevention of Discrimination and the Protection of Minorities, which is sub-

ordinate to the Human Rights Commission, were:

1. The implementation of the UN resolutions in respect of the right of peoples under colonial rule to self-determination, by the special rapporteur Hector Crossbilly, published in 1977. (8)
2. The historical evolution and development of the right of peoples to self-determination on the basis of the UN Charter, by the special rapporteur Erilio Christico, published in 1978. (9)

Both of these studies show that a positive and progressive departure has taken place in the concept of the right of peoples to self-determination.

Whereas Resolution No. 1514 considers colonialism a denial of human rights, the international tendency now is to regard the right of peoples to self-determination as one of the imperative rules in international relations, the violation of which invalidates any action or agreement incompatible with it.

This line of thinking was adopted by the special rapporteur Hector Crossbilly. (10) It was also indirectly confirmed by the International Conference on Combating Racial Discrimination held in Geneva, August 14-25, 1978, as paragraph 29 of the working paper states the following:

‘The Conference recommends that the UN Institute for Training and Research organizes an international seminar on the danger of racial segregation, racialism and racial discrimination as well as the realization of self-determination in international law with particular attention to the principles of desegregation and self-determination as two imperative rules of international law.’ (11)

We shall return to this point later in detail when we study the main guidelines of the Party.

Finally, it must be noted that the beneficiaries of the right to self-determination, in independence and the establishment of states, are the colonized countries; therefore the following are excluded from this concept:

1. The ethnic, national, linguistic and religious minorities co-existing with the rest of the population without oppression or colonial pressure. The collective rights of such groups are confined to cultural rights and the practice of religious rites stipulated by Article 27 of the Covenant of Civil and Political Rights.
2. The right of citizens to choose their system of government, as this right is related to the rights of citizens to participate in public life in compliance with Article 21 of the Universal Declaration of Human Rights and Article 25 of the Covenant of Civil and Political Rights. The term 'Political Status' means the freedom of the colonized people to establish an independent state or to join an existing one. It also means the acquirement by a people of an international personality; it does not imply the type of regime to be adopted, as to whether it is a monarchy or a republic or otherwise.

The UN studies and resolutions have been made along these lines, notably the study of Professor Erilio Christico. (12)

Non-governmental organizations have been formed to defend the rights of peoples, such as the International Association of the Rights of Peoples which was established by Professor Lilio Basso. It proclaimed the Universal Declaration of the Rights of People, issued in Algiers on 1st July, 1967. It contains a number of UN provisions with regard to the right of self-determination and the sovereignty of peoples over their natural wealth, as well as social and cultural rights, and the rights of minorities.

The Rights of Peoples to Self-Determination in the Ideology of the Arab Ba'th Socialist Party

The birth of the Party's ideology came at a period of history when colonialist powers were in occupation of most of the regions of the Arab homeland and were denying the Arab people its right to self-determination.

Hence the Party's concern for the Arab people's right to wrest its freedom as well

as its right to self-determination has been one of the Party's fundamental starting-points.

This is evident in the very first of the basic principles in the Party's Constitution, which sets forth the following:

'The Arabs are one nation which has the right to live in a single state and be free to direct its destinies.

'Therefore the Arab Ba'th Socialist Party considers that:

1. The Arab homeland is a politico-economic indivisible unit and no Arab region can ever meet the conditions of its life in isolation from the other regions.
2. The Arab nation is a cultural unit, and all differences that exist among its children are transitory, false and apt to vanish with the awakening of Arab consciousness.'

The Party has also established a dialectical link between the freedom of the individual and the rebirth of the Arab nation and its free-

dom, as shown in the second principle of the Constitution:

‘The Arab nation is endowed with qualities that are clearly seen in successive revivals. It is characterized by a fertile vitality, creativity and the capacity for renewal and resurgence. Its rebirth is always commensurate with the development of the freedom of the individual and the extent of harmony between his development and national interest.

‘Therefore the ABSP considers that:

1. The freedom of expression, the freedom of assembly, the freedom of belief and the freedom of art are sacred and no authority can detract from them.
2. The worth of citizens is assessed, after being given equal chances, in accordance with the work they do for the progress of the Arab nation and its prosperity, without regard to any other consideration.’

The third principle deals with the cultural message of the Arab nation and condemns imperialism as a criminal act; it states that:

‘The Arab nation has an immortal message that appears in renewed forms which complement one another in the various stages of history and aim at revitalizing humanitarian values, motivating human progress and promoting harmony and cooperation among nations.

‘Therefore the ABSP considers that:

1. Imperialism and everything related to it is a criminal act which the Arabs combat with all possible means. They seek, as far as their material and moral possibilities will allow, to assist all peoples struggling for their freedom.
2. Humanity is a collective entity with interdependent interests, values and cultures. The Arabs are nourished by world culture and at the same time they nourish it. They extend their fraternal hand to other nations and co-operate with them with a view to establishing just systems that guarantee prosperity, peace and dignity of morals and spirit for all peoples.’

In the light of the foregoing principles, the

Party's guidelines on the right of peoples to self-determination can be summarized as follows:

1. The right of peoples to self-determination is regarded as a basis for the rights of man and an imperative rule in international relations.
2. There is a dialectical inter-relation between the right of a people to self-determination and its national unity.
3. There is a dialectical relation between the right of a people to self-determination and the economic and social rights of its individuals.
4. Peoples have an absolute right to manage their own affairs and exploit their natural resources by themselves.
5. Imperialism and all activities allied to it are international criminal acts.
6. The Arabs must assist peoples struggling for their freedom.

7. Nations constitute a collective group with bonds of solidarity for the good of humanity.

The Right of Peoples to Self-Determination is regarded as a basis for the rights of man and an imperative rule in International Relations

Ever since it formulated its first thoughts the Party has emphasized that, in order to create an integrated human civilization, the right of peoples to freedom should be the basis of all relations among nations.

As far back as 1935 the Founding Leader wrote:

‘We demand independence and liberty because they are, above all, right and just, and because they are the means of releasing our great gifts and creative powers, whereby we may, upon this part of the earth which is our land, realize our aim as well as that of every man – a perfect humanity.’ (15)

In affirming that the freedom of the people is the source and guarantee of all freedoms,

the Founding Leader says:

‘The Arabs possess a greater freedom which is the source and guarantee of all partial freedoms. It is the national freedom which ensures their salvation from enslavement, the rescue of their natural wealth from plundering by foreigners and the saving of their minds from distortion and suffocation. It is the freedom that enables them to take their destiny into their own hands again.’ (16)

In his letter to the Seminar on Human Rights and Basic Freedoms in the Arab Homeland, held in Baghdad from 18 to 20 May, 1979, Comrade Ahmed Hassan al-Bakr made it clear that our struggling Party had always stressed that peoples’ enjoyment of their freedom and the right to political and economic self-determination were basic to the exercise of individual human rights, as there could be no free citizens in a nation that was not free; and that the Party had from its very inception, linked in a distinct way individual human rights to peoples’ rights and considered that the advancement of a nation was in proportion to the growth of the individual’s freedom and the extent of harmony achieved

between his development and public interest.
(17)

Comrade Saddam Hussein has reaffirmed the importance of peoples' will in world politics. 'When we talk about world politics,' he says, 'we should not forget the basic, decisive factor in them: the will of the peoples... There are two ways of leading in international politics: one belittles the impact of international politics on national struggle, and that is wrong. The other delivers our necks into the hands of international politics, and that is deviation. It is peoples' will that plays the decisive role in the major trends of international politics; the other factors follow next.' (18)

Having emphasized that peoples' will is the basic decisive factor in international politics, the Party has at the same time stressed that the masses should be given an important role in local politics and established a dialectical link between international and home situations, in consonance with its comprehensive view of the relations of the Arab nation with the world.

The Founding Leader has recently ex-

plained this by stating that:

‘There is a dialectical relation which cannot be ignored between local and national situations on the one hand, and international situations on the other. The basic malady in local situations lies in the fact that many rulers deny the masses their role, and shackle their mobility by repression.’ (19)

This means that in the ideology of the Party, the relation between the rights of man and his basic freedoms on the one hand and the rights of peoples on the other is not a subordinate and mechanical, but a dialectical and mutual, relation.

This is so because the Party does not view the people from a partial regional standpoint, but from a comprehensive national one. The right of people to self-determination, as far as the Arabs are concerned, means the enjoyment by the whole Arab people of freedom and independence, and not confining freedom to a regional level. Nothing expresses this more significantly than the fact that the Party has linked freedom and unity in a dialectical manner.

Consequently, the realization of comprehensive freedom for the Arab people, that is, the realization of the nation's right to self-determination, requires continuous struggle on the part of the masses in all the Arab regions as well as effective participation in leading this struggle. This participation cannot be attained except through allowing the masses to exercise their rights and public freedom without repression.

A vivid example of this relationship is demonstrated by the Palestinian question and the Arab struggle to realize the right of the Arab Palestinian people to self-determination.

The Founding Leader has explained that the Palestine cause is the essence of the Arab cause: it is the essence of the nation in its present predicament with imperialism, zionism and reaction. Its remedy is also the remedy of Arab society – a remedy which can only be achieved by liberating the vast majority of the Arab people in our extensive homeland, by emancipating their potentialities from exploitation by uniting the nation's struggle so that its homeland together with all its resources be-

comes really its own, so that it can progress and learn, build and invent and be on a par with other advanced nations.

At the Seminar on Human Rights and Basic Freedoms held in Baghdad from 18 to 20 May, 1979, these points were discussed with great clarity. The fifth paragraph of the Seminar's Concluding Announcement runs as follows:

‘As the right of the Palestinian Arab people to self-determination is an indivisible part of the right of the Arab nation in its Arab land, the liberation of Palestine is considered a collective responsibility to be shouldered by the entire nation. Therefore the discharge of the Arab people of its national duty in liberating Palestine cannot be effectively carried out except when this people obtains further rights and freedoms.

‘The Seminar is of the opinion that the intensive battle waged by the Arabs against the Zionist entity should in no way be taken as a pretext for violating the rights of the Arab citizen and encroaching upon his basic freedoms or restricting them.’ (20)

It should be noted that this dialectical link in the Party's thought between the rights of man and the rights of peoples does not impair the point already made – that is, that the right of peoples to self-determination by independence is a concept that exclusively concerns colonized peoples. For the Party's view of the Arab people embraces in its totality all Arab regions; if any segment of this people has failed to enjoy political and economic independence, it reflects on the rest of the Arab regions in a way that makes their independence, in turn, incompleting and also threatened.

Any modification of the right of peoples to self-determination in international relations is unacceptable. Since the Party regards the will of peoples as the decisive factor in international politics, an action contrary to this will be considered null and void. Nothing makes this clearer than the fact that the Party had considered the violation of the right of peoples to self-determination, that is, imperialism, an international crime, as we shall show in detail below.

The logical consequence of considering this action a crime is to consider the right thus viol-

ated as part of the international public order or what is known as definitive rule, *jus cogens*.

The 1977 Vienna Agreement in respect of Concluded Treaties has dealt with the effect resulting from contravening the definitive international rules, as Article 53 provides:

‘A treaty shall be considered null and void when it was at the time of concluding it in conflict with a definitive rule of public international law. In implementing such a treaty it is meant by “definitive rule of public international law” any rule accepted recognized by world community as a rule that should not be impaired and cannot be changed except by a subsequent rule of public international law which has the same character.’

The International Law Commission, upon discussing the Vienna Draft Agreement in 1963 took the view that the right to self-determination for all peoples is a form of ‘definitive rule,’ which was supported by the UN Assembly when it discussed the said agreement in its twenty-first session. (21)

This view was adopted by Professor Hector

Crossbilly in his study on the Implementation of UN Resolutions, in respect of the right of colonial peoples to self-determination, and he was supported in this by many delegations when the study came before the Sub-Committee on the Prevention of Discrimination and Safe-guarding of Minorities in sessions 29 and 30, and by the Human Rights Commission in session 34, 1978.

On this basis, any agreement conflicting with the right of peoples to self-determination is considered null and void. We still have a striking example, in the international domain, in the Camp David agreements concluded between the Sadat regime and the zionist entity as well as the peace treaties concluded between the same parties.

Since these two agreements have violated the rights of the Palestinian people to self-determination and have outrageously encroached upon that right, they are, from the international law point of view, completely invalid.

This line of thinking has been adopted by studies made on the above-mentioned agree-

ments and also by resolutions taken by international and regional conferences and seminars, particularly non-governmental ones. Some of them are mentioned in the notes to this study. (27)

The Dialectical Link Between the Right to Self-Determination and the National Unity of a People (The Relation Between Freedom and Unity)

A second reading of the first principle of the Party's Constitution will show that the right of the Arab nation to its freedom is linked to its unity, as no Arab region can meet the conditions of its life in isolation from the other regions. All the existing differences among the children of the Arab nation are transitory and false. They will vanish with the awakening of Arab consciousness.

The Party got off to a start from the objective, historical and incontestable fact that the Arabs are one nation. Any treatment of the existing Arab reality is to be carried out within this fundamental and comprehensive framework, as the Party considers national unity the essence of national freedom. The Arab nation

is different from other Third World peoples that have suffered from colonialism. The Arab nation suffers from fragmentation as much as it does from imperialism, which contributed to this fragmentation and is still trying hard to solidify it. This fragmentation has become an obstacle preventing the people from exercising its freedom by self-determination.

This singularity in the Party's ideology with regard to the link between the right to self-determination and the people's national unity implies a distinctive concept suggestive of advanced dynamic and dialectical thinking.

The Party has perceived, through its overall view, that independence does not stop at the formal meanings of the evacuation of the colonizer from a given country, but that such independence should become an incentive for the realization of the logical and natural structure which reflects the national climates that have come into existence by virtue of struggle against imperialism. In other words, the setting up of states or units reflecting these larger national formations joined together in great historical units.

The national unity of the people is therefore regarded as the final accomplishment of the people's independence and freedom, since the national ethos can only be realized through the unity of the people, politically and constitutionally, within one state.

The right to self-determination is in reality nothing but a means for the fulfilment of national ethos. This accords with Article Two of Resolution No. 1514 of the UN General Assembly, adopted in 1960, and also with Article One of the International Covenants on Human Rights ratified by the General Assembly on December 16, 1966, which sets forth that all peoples have the right to self-determination. By virtue of that right they freely determine their political status. This political status should express the national personality in all its dimensions, foremost among which is the formation of a unified state.

**The Dialectical Link Between the Right to
Self-determination and
Social and Economic Rights
(The Connection Between
Freedom and Socialism)**

The right to self-determination, in the

Party's view is closely linked to its view of freedom within the relationship between the individual and the State on the political and economic levels. The Party with its forward-looking orientation, is of the opinion that the Arab homeland and the Third World face countless challenges to their social and human worlds. But all these challenges, in the Third World itself, can be reduced to two basic ones: the challenge of imperialism, which is an outside challenge, and the challenge of backwardness, which is internal, and both are dialectically and mutually related.

By comparing these two challenges as regards their capacity in eliciting reactions and motivating the powers of the Third World as well as its history, the outside challenge becomes, necessarily, and until its total elimination, the foremost stimulus of response or rather, of the awareness of the existence of the other challenge.

The Party was the first movement to put the national cause, that is, the struggle of the Arab people for liberty, in the centre of reality, by making the social question the crux of national revolution, by making the social re-

volution the actual expression of the national revolution. This movement has posed the question of freedom in all its dimensions: liberation from imperialism and foreign powers together with their influence and exploitation in all forms and liberation from within, which covers a variety of political, social and intellectual aspects. The Party has considered Arab nationalism synonymous with the life of the Arab people with all its political, economic and intellectual problems. At the same time Arab nationalism means revolution against backwardness and social injustice. (23)

This dialectical connection between national struggle – which expresses the right to self-determination in movement – and class struggle – which expresses social and economic rights also in movement – gives the right to self-determination a character peculiar to the Third World in general, and to the Arab homeland in particular.

We should like to refer with complete objectivity to this very link between national and class struggle, or between the right to self-determination and social and economic right

which the Party has called for ever since its inception, and which has been a bone of contention between the Party and the Marxist ideologies which concentrate on class struggle to the exclusion of national struggle. The idea of this link was adopted by the world community in 1966 when the UN General Assembly issued the two International Covenants on Political and Civil Rights and Economic, Social and Cultural Rights in Resolution No. 2200 of December 16, 1966; it crowned both these Covenants with Article One, which reaffirms the right of peoples to self-determination, followed by articles concerning social, economic and cultural rights of civil and political rights.

In reviewing the preparatory works of the committee charged with the drafting of the two Covenants, it is evident that there was an insistence on the tie-up between the right to self-determination and social and economic rights. There was a similar insistence on considering the right to self-determination a fundamental and essential pre-condition to social and economic rights. (24)

Seminars on the study of human rights held

in developing countries have re-affirmed this dialectical link: for example, the Seminar held in Kabul (Afghanistan) from 12 to 15 May, 1964. (25)

The Absolute Rights of Peoples to Exploit Their Natural Resources

Paragraph 3 of the first principle of the Party's Constitution sets forth the right of the Arabs to manage the affairs of the Arab homeland and dispose of its wealth and direct its destinies.

The Party has considered the economic aspect of the right of peoples to self-determination, i.e. the right of peoples to dispose of their natural resources, a prerequisite for liberation from colonialism. This is because economic independence is seen to be equal in importance to political independence and a complement of it. Without actual economic independence, political independence loses its most important basis and meaning: it will always be in danger. (26)

The world community was aware of this in the early sixties when the UN General Assem-

bly issued Resolution No. 1803 of December 14, 1964 in respect of permanent sovereignty over natural resources.

It was also stated in the second paragraph of Article One of each of the two Covenants on Human Rights that 'all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation based upon the principle of mutual benefit and international law.'

A similar provision was included in Article 8 of the Universal Proclamation of the Rights of Peoples issued in Algiers in July, 1976.

Not being content with the fact that it preceded the UN in its emphasis on the economic aspect of the right of peoples to self-determination, the Party followed it up with a practical application when it nationalized in Iraq the foreign monopolistic oil companies. Iraq in fact took the first successful historic measure to restore the legal rights of the people when it took its historic decision to nationalize these companies on June 1, 1972.

The experience of Iraq in the field of the nationalization of oil and in exploiting it nationally is seen as a pioneering experience in Third World countries regarding the implementation of the right of peoples to self-determination, despite all the attempts and intrigues of world imperialism.

While on this subject we must refer to certain paragraphs of the speech of Comrade Ahmed Hassan al-Bakr on June 1, 1972, when he announced the decision to nationalize oil:

‘It is indisputable that the essence of colonialist policy against the Arab people has been founded on infamous material interests...aiming at taking hold of and seizing the wealth of the Arab homeland, particularly petroleum and mineral resources, and converting these resources into incomes for imperialist interests and imperialist monopolistic companies. This policy of plunder and aggression has continued and with it continued the consecration of national fragmentation, the destruction of the fundamental interests of the Arab masses and the solidification of imperialist and zionist existence in Arab Palestine, in the Arabian Gulf and in every place

defiled by aggressive invaders...

‘We are aware that the oil companies are dangerous instruments embodying imperialist behaviour, the behaviour of looting and monopolistic exploitation and the denial of the masses. They have always been a symbol and sign of colonialist domineering while it has become obvious beyond doubt that any real national liberation remains incomplete without imposing the prerequisites of national sovereignty over these companies which behave according to their colonialist character in conflict with the interests of the masses and with the spirit of our age and the course of history. These companies, used to consider themselves a state within a state...

‘It has been confirmed to the struggling masses through their experience and practice of struggle that putting an end to the domination of monopolistic oil companies is to ensure national sovereignty and economic independence, which form the tangible essence of political independence...

‘Thus national liberation has expressed itself in a basic equation: it is the equation of

confrontation with the oil companies and the liberation of oil and mineral wealth by nationally exploiting them, a measure that strengthens the material and national interests of this country.’ (27)

Imperialism is a Criminal Act

The first paragraph of the Third Principle of the Party’s Constitution states that:

‘Imperialism as well as anything related to it is a crime to be fought by the Arabs with all possible means. They seek, as far as their material and moral possibilities will allow, to assist all peoples struggling for their freedom.’

The characterization of imperialism, in the Party’s ideology, as a criminal act reveals a thorough understanding of the backgrounds of the colonialist era in which Third World peoples lived and its effects on their future.

Although Resolution No. 1514 of 1960 considered colonialism a denial of human rights, that characterization did not show the extent of the danger to humanity of the imperialist phenomenon in the world. The Party’s equa-

tion of imperialism with criminal acts was not made haphazardly. It was made after a scientific scrutiny aware of the dangers of colonialism and aware of the fact that colonialism was not merely the highest stage of capitalism.

Factual findings have proved the truth of the Party's assessment of colonialism as a criminal act. International law and jurisprudence have literally adopted this standpoint. Para 57 of the study of Professor Crossbilly on the Implementation of UN Resolutions in the domain of self-determination states that:

‘International law currently in force considers imperialism an international crime recognized expressly as such.’

Also the International Law Commission adopted in 1976 a project of rules relating to the responsibility of the state. It contains an article which considers an international crime ‘the grave violation of an international commitment which has a fundamental importance to safeguarding the right of peoples to self-determination.’

The origins of this article go back to the pro-

ject of Professor Robertuago with a slight modification in the wording. (28)

We should note here that the Party's thought has not considered colonialism alone, in its conventional form a criminal act; it has extended this description to cover all things related to imperialism, and foremost among these is racism, especially that of the Zionist entity and the racist regime in South Africa.

Zionism is no longer in need of evidence to prove its racism and hostility to humanity and peoples after the UN General Assembly Resolution of 1975 was issued. It considered Zionism as a form of racism.

We shall revert to the study of racism as viewed in the Party's thought in a subsequent chapter.

We have already shown that the characterization of the Party of the right of peoples to self-determination as definitive rule in international law is founded on a basic consideration which condemns as criminal any act violating this right and regards imperialism as an international crime.

In regarding imperialism as an international crime the Party actually preceded the world community by about thirty years!

The Arabs Should Assist Peoples in Their Liberation

Being a movement of an oppressed people, the Arab National Movement cannot but consider itself always an indivisible part of the struggle movement of all peoples against colonialism. The Arab people is constantly moved by a will resolved to participate positively and actively in combating colonialism in all its forms everywhere in the world and to extend assistance to all peoples struggling against imperialism. (29)

We have to clarify here that the ABSP is not just another conventional Party. It is rather an Arab liberation movement representing the aspirations of the Arab people in liberation, unity and socialism and taking part in the struggle against imperialism through solidarity with all peoples of the world struggling for their freedom.

For this reason the Party has emphasized

solidarity with the liberation movements in the world, regarding them as representative of peoples struggling for their freedom.

In his letter to the International Non-Governmental Conference on Racial Discrimination held in Geneva in August 1977, Comrade Ahmed Hassan al-Bakr said:

‘If imperialist tendencies and racist regimes meet together in accordance with their aggressive nature as well as their objectives which are hostile to peoples, and if they exchange with each other all forms of support, assistance and cooperation, it is incumbent on the enemies of imperialism, zionism and reaction and all those who pursue the exposure and denunciation of racism and racial discrimination to unite their efforts with all the powers of good and peace in the world and to have their strength augmented further through solidarity with the peoples against whom racial discrimination is being practised. We should strongly support the liberation, national and patriotic movements of these peoples with a view to liquidating the last vestiges of racism domineering and racial discrimination.’

It is noteworthy that several resolutions were adopted by the UN in 1973 and 1974 whereby the representatives of the liberation movements in Africa and Palestine were admitted to the United Nations as observers.

The UN has also acknowledged the legitimacy of armed struggle for the liberation of occupied territories. The Economic and Social Council issued a resolution on July 31, 1977 in which it called upon the States to extend aid and assistance to peoples struggling for their independence.

These resolutions are a proof of the comprehensive, humanitarian and freedom-loving outlook of the Party and its participation in the world liberation movement in a way that anticipated the world community.

Finally we would like to state that assistance by the Party to struggling peoples has been given unconditionally. The Party has extended material and moral help to peoples struggling for their freedom. We need not give statistical evidence of this.

By assistance we mean here the aid given

only to non-Arab countries, as the Party views the liberation of the Arab regions as falling within its national responsibility, hence its commitment to Arab countries does not come under the heading of assistance.

The stand of the Party vis-a-vis the central cause of the Arabs, Palestine, cannot be overlooked by anyone. Palestine is dealt with as the crux of the Party's struggle. It has devoted to it all its energies within the true liberation course of action for Palestine. The Founding Leader has stated the following in regard to the Palestinian cause:

‘The Palestinian cause forms the essence of the Arab cause: it is the essence of the nation in its present predicament with imperialism, zionism and reaction. Its remedy is also the remedy of Arab society – a remedy which can only be achieved by liberating the vast majority of the Arab people in our extensive homeland, by emancipating their potentialities from exploitation, by uniting the nation's struggle so that its homeland together with all its resources becomes really its own, so that it can progress and learn, build and invent and be on a par with other advanced nations.’ (30)

Peoples Form a Group Standing in Solidarity for the Good of Humanity

The Party has linked in its thought the struggle of the Arab people to that of other peoples for the good of humanity. It has posed the principle of positive solidarity in contrast to the negative solidarity existing between colonization and imperialism against the interests of peoples.

In its demand for the liberation of the Arab people, the Party is not inspired by closed, chauvinistic or fanatical principles. Rather it has considered this liberation a step in the direction of realizing what is good and humanitarian for the world community.

In this respect Comrade Shibly Al-Aissamy says:

‘In its struggling experiences against colonialism and all forms of injustice and exploitation in the world, and in its setting forth the aims of the Arab nation, the Party stresses the close ties of nation and Party with humanitarian objectives and values, so much so that it views that national and humanitarian objec-

tives form between them an integral unity. Any attempt to separate them would not only impair but destroy them and deprive them of the capacity for survival and growth.' (31)

The Founding Leader sounds the depths of cooperation required among nations. He says:

'The true profound needs of any nation, particularly our nation in its present condition at this historical stage, require per force cooperation based on solid foundation and a clear direction with other nations, or, to be exact, an international form of cooperation in which the Arab nation is an active part. We have been of the belief that starting off from the interior to the exterior is the right course – and not the other way round. Forcing peoples and nations to serve a system imposed from above and from outside remains, to a large extent, in actual practice and in the present world conditions, whatever the restraints and controls, a forcing of these nations and peoples to serve the interests and programmes of the nation in which that system is embodied.

'For this reason I have said that our ambition does not stop at merely ousting the col-

onialists from our land, and restraining the exploiters within. It does not stop at securing freedom and prosperity for the people. These are but means to release the genius of this nation in the direction of creativeness, towards active participation in shouldering the burdens of humanity.

‘The struggle of peoples against imperialism, especially the struggle of the Arab nation, which forms today the greatest power in the Middle East, would not have been so forceful and so eruptive, nor would it have gained the support of the Arab masses and the sympathy of the world’s peoples, had it been founded on the mere hatred of foreigners and the mere desire to be relieved of foreign domination. Its real force lies in the positive goals stirring in the soul of every Arab, who precipitates time in order to be able to realize them for his own good and the good of the world.

‘There is hardly any likeness between us and the West. The West never went through the tragedies and sufferings and subjugation to colonialism and fragmentation, etc, as we did. The nationalist movements of the West were born under different circumstances ac-

accompanied by aspirations and desires to discover new riches, new scientific laws. They were plagued from their very birth by expansionism and authoritarianism. But our nationalist movement was born as a most humanitarian response to the injustice committed by man against man...as a response to human destiny as a whole. It is a fruit ripened by all the sufferings we have endured as though on behalf of all the peoples of the earth. It is highly improbable that we may end up where the West has ended up.' (32)

This diagnosis expresses the spirit of the UN Charter which stipulates that nations should interact spontaneously, and not through a system superimposed on them. Such a concept implies a humanistic positive participation in the creation of an international community free from exploitation and founded on real equality among peoples.

Finally we should like to refer to Article 22 of the Party's Constitution which states that Arab foreign policy should be inspired by national interest and by the Arabs' immortal message which aims at participation with other nations in creating a harmonious, free

world on the path of progress. Article 25 sets forth the true desire of the Arabs to see all nations enjoying freedom like them.

These are some of the lights on the Party's thought in connection with the right of peoples to self-determination. It can be objectively said that they indicate a body of wide-ranging forward-looking doctrine for the development of Arab society and its relations with the international community within humanistic horizons. On many basic points and theses, it has often been quite ahead of the international community.

Comrade Elias Farah explains this by saying:

'The new world that emerged from the Second World War began to search for a new civilization, which emphasized the great Arab need for the birth of a new ideology with cultural horizons that embrace the comprehensive movement of change in human society.

'In other words, this ideology should have a total and comprehensive view of man, society and the world. The ideology presented by the

Party has been an expression of the needs of a historical stage as a whole and of the aspiration of the Arab nation. Hence it has been of a nationalist dimension transcending fragmented space, and of a future dimension transcending the immediate present. It is also aware that the understanding of the dialectics of Arab experience depends on discovering the movement of actual reality and Arab struggle through the network of contradictions at the present stage. A genuine and lucid view cannot be an ideological formula conceived prior to the experience, or a pre-set theory external to the framework of immediate reality and divorced from the given facts of the present and the past. It is an all-round doctrine that is conceived and formulated, that grows and develops, along with the development of actual reality and national action.' (33)

NOTES

1. Pamphlet in French regarding the activities of the UN in the domain of human rights. 1973, p. 26.
2. *ibid.* p. 27.
3. *ibid.* p. 28.
4. The Encyclopaedia of Human Rights, edited by Mohammed Tawfiq. Cairo 1970. p. 75.
5. *Op. cit.* 1, p. 32.
6. The Encyclopaedia of Human Rights. p. 97.
7. *ibid.* p. 17.
8. 'The Implementation of the UN Resolutions relating to the Right of Colonial Peoples to Self-Determination' by Special Rapporteur Hector Crossbilly, No. E/CN/4/Sub. 2/090.
9. 'The Growth and Historical Develop-

ment of the Right of Peoples to Self-Determination' based on the UN Charter and other documents by the Special Rapporteur Erilio Christico, No. E/CN/4/Sub. 2/404.

10. Op. cit. 8, p. 17.
11. 'The Report of the International Conference to Combat Racism and Racial Discrimination.' Geneva, August, 1978, p. 27.
12. Op. cit. 10. p. 110.
13. 'The Proclamation of Algiers in respect of the Rights of Peoples.' July 4, 1976.
14. The Struggle of the Ba'th, Vol. 4, p. 25.
15. Michel Aflaq, For the Cause of the Ba'th. 1975 ed. p. 6.
16. Michel Aflaq, On Arab Politics. 1948-1964.
17. Letter of Comrade Ahmed Hassan al-Bakr to the Seminar on Human Rights

and Basic Freedoms in the Arab Homeland. Baghdad, 18-20 May, 1979.

18. Comrade Saddam Hussein, Our Struggle and International Politics. p. 29.
19. Statement by Mr. Michel Aflaq, Al-Thawra Newspaper, No. 3491 of 26/11/1979.
20. The concluding announcement issued by the Seminar.
21. Op. cit. 8. p. 18.
22.
 1. Resolution adopted by the Meeting of the Democratic Jurists Committee, held in Baghdad in March, 1979, and the study presented to that meeting.
 2. The Paris Seminar on the Rights of the Palestinian People, 29/9/1979.
 3. Para 6 of the Resolutions of the Seminar on Human Rights and Basic Freedoms in the Arab Homeland. Baghdad, May, 1979.

23. Michel Aflaq, For the Cause of the Ba'th. p. 248.
24. The Commission on Human Rights in the UN, in French.
25. Report of the Seminar on Human Rights in Developing Countries – Kabul (Afghanistan) 12-15 May, 1964.
26. The Political Report of the Eighth Regional Congress in Iraq. p. 66.
27. See Speech by Comrade Ahmed Hassan al-Bakr, 1/6/1972.
28. Op. cit. 8. p. 19.
29. The Theoretical Starting Points of the Sixth Regional Congress. October, 1963. p. 55.
30. Michel Aflaq, The Starting Point. p. 84.
31. Shibly Al-Aissemy, 'The Humanitarian Horizons in Thought and Struggle of the Ba'th.' Afaq Arabiah Review, April 1978. p. 13.

32. Selections from the sayings of the Ba'th Founder. p. 70.
33. Dr. Elias Farah, 'The Ba'th Philosophy.' Afaq Arabiah Review, April 1977.

رقم الايداع في المكتبة الوطنية ببغداد ٣٩ لسنة ١٩٨٢

الطبعة الانكليزية

الطبعة الثانية

ايدولوجية البعث وحقوق الانسان

بقلم : باسيل يوسف

اصدار : دار المأمون للترجمة والنشر
وزارة الثقافة والاعلام
بغداد ١٩٨٢

Dar al-Ma'mun